

To: Kirk Shermer[Kirk@snowdenenterprises.com]
Cc: Janelle Kay[Janelle@PyxisRC.com]; Watanabe, Allison[Watanabe.Allison@epa.gov]
From: Alkon, Margaret
Sent: Wed 6/22/2016 6:59:15 PM
Subject: FW: U.S. EPA Press Release

Dear Mr. Shermer:

Please see the following, which I am sending as a courtesy. In case you are wondering, EPA policy forbids us from negotiating the content of press releases with respondents, and we are also not supposed to share copies in advance. I don't yet see it on our website but it should appear at:

https://www.epa.gov/newsreleases/search/field_press_office/region-09

Sincerely,

Margaret Alkon



For Immediate Release: June 22, 2016

Media Contact: Michele Huitric, Huitric.michele@epa.gov, 415-972-3165

U.S. EPA Fines Fresno Pesticide Distributor for Failure to Properly Label High-Risk Pesticide

SAN FRANCISCO – Today, the U.S. Environmental Protection Agency announced a settlement with Snowden Enterprises, Inc., over the distribution of a misbranded restricted use pesticide. The firm, located in Fresno, Calif., has agreed to pay \$34,320 in civil penalties, and has corrected all the identified compliance issues.

The California Department of Pesticide Regulation inspected the facility in October 2013. Based on evidence collected during that inspection, EPA asserted that Snowden Enterprises had several violations of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which regulates the safe distribution, sale and use of pesticides in the U.S.

Snowden Enterprises distributes a restricted use pesticide called ‘The Fruit Doctor,’ which can cause irreversible eye damage, skin burns, and is fatal if inhaled in high concentration. The product is used as a fumigant on grapes to suppress the spread of gray mold disease. EPA classifies pesticides as restricted use or general use pesticides. The restricted use pesticides are not available for purchase or use by the general public because of the potential to cause adverse effects to the environment and injury to applicators or bystanders. These products should only be used by a certified applicator or someone under the certified applicator's direct supervision.

Snowden Enterprises distributed ‘The Fruit Doctor’ pesticide as compressed sulfur dioxide gas in cylinders of various sizes with misbranded labels that were not approved by EPA. On its small cylinders, the firm used labels that lacked hazard and precautionary statements and first aid information. On large cylinders and cylinder cases, the company used labels that had a logo placed over the text, obscuring the first aid information. The text on pesticide labels must appear on a clear contrasting background and not be obscured or crowded. Precautionary statements and first aid information helps pesticide applicators protect themselves when using the pesticide and respond quickly should an accident occur.

“Selling mislabeled pesticides is a serious violation that can result in harm to public health and the environment,” said Kathleen Johnson, EPA’s Enforcement Division Director for the Pacific Southwest. “It is extremely important that first aid and hazard

statements are clearly visible.”

FIFRA authorizes EPA to review and register pesticides for specified uses, to regulate safe storage and disposal of pesticides, and to conduct inspections and enforce pesticide requirements. Under FIFRA, EPA labels should include directions for use and precautionary statements which are designed to minimize the risks associated with the product, including the required use of personal protective equipment such as protective eyewear and gloves, designed to minimize contact with the product.

For more information about restricted use pesticides, please visit:

<https://www.epa.gov/pesticide-worker-safety/restricted-use-products-rup-report>

For more information about pesticides and worker safety, please visit:

<https://www.epa.gov/pesticide-worker-safety>

For more information on FIFRA and its enforcement, please visit:

<https://www.epa.gov/laws-regulations/summary-federal-insecticide-fungicide-and-rodenticide-act>

#

Brent Maier

Congressional Liaison

U.S. Environmental Protection Agency, Region IX

75 Hawthorne St. (OPA-3)

San Francisco, CA 94105

Ph: 415.947.4256